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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KAMRAN AMJADI

Appeal 2009-013496
Application 09/251,480
Technology Center 2400

Before MAHSHID D. SAADAT, THOMAS S. HAHN,
and ELENi MANTIS MERCADER, *Administrative Patent Judges*.

MANTIS MERCADER, *Administrative Patent Judge*.

DECISION ON APPEAL¹

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF THE CASE

Appellant seeks our review under 35 U.S.C. § 134(a) of the Examiner's non-final rejection of claims 1-57. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

INVENTION

Appellant's Figure 4 is reproduced below:

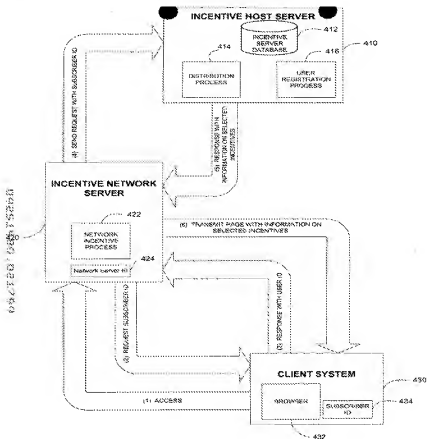


FIG. 4

Appellant's Figure 4 illustrates an incentive distribution process.

Appellant's claimed invention is directed to an Incentive Host Server 410 which transmits information regarding incentives to a requesting client 430. The Incentive Host Server 410 transmits specific incentives based on a Network Server ID 424 and a subscriber ID 434. *See* Fig. 4; Spec. 14:15-16:4.

Claim 1, reproduced below, is representative of the subject matter on appeal:

1. A computer implemented method for providing access to incentives via a computer network, the computer network comprising at least one incentive host server and at least two network servers for providing a user with access to incentives from the incentive host server, comprising:

receiving, at a network server, an access request from a client device associated with the user;

transmitting a first identifier and a network server identifier (NID) corresponding to the access request to the incentive host server;

determining at the incentive host server available incentives using at least the first identifier and the NID, wherein the NID is used to identify available incentives in an incentive server database associated with the NID; and

transmitting information regarding the determined available incentives to the client device.

THE REJECTIONS

The Examiner relies upon the following as evidence of unpatentability:

Walker	US 5,949,875	Sep. 7, 1999
Scroggie	US 5,970,469	Oct. 19, 1999
Gardenswartz	US 6,055,573	Apr. 25, 2000

The following rejections are before us for review:

1. The Examiner rejected claims 1-36, 39-41, 44-50, and 52-59 under 35 U.S.C. § 103(a) as being unpatentable over Scroggie in view of Walker.
2. The Examiner rejected claims 37, 38, 42, 43, and 51 under 35 U.S.C. § 103(a) as being unpatentable over Scroggie in view of Walker and Gardenswartz.

ISSUE

Did the Examiner err by determining that the combination of Scroggie in view of Walker teach “determining at the incentive host server available incentives using at least the first identifier and the NID, wherein the NID is used to identify available incentives in an incentive server database associated with the NID,” as recited in claim 1?

ANALYSIS

Appellant argues (App. Br. 39) that while Walker teaches using a server ID number as a password feature, Walker does not teach or suggest using the server ID number to make any sort of determination as to what incentives are available to a particular user. Accordingly, Appellant states that the Examiner inappropriately relied on Walker to cure the admitted deficiency of Scroggie (App. Br. 39). We agree with Appellant.

Walker (col. 6, ll. 48-65 and col. 6, ll. 1-10) merely teaches that a server ID number can be a part of a code that can be used as a password in order to purchase information or physical goods. However, Walker does not

teach that *the Network server identifier NID is used to identify available incentives* as required by claim 1.

For the above reasons, we will reverse the Examiner's rejection of claim 1 and for reasons similar to that articulated *supra* the rejections of claims 2-36, 39-41, 44-50, and 52-59.

We further note that Gardenswartz fails to cure the cited deficiency and accordingly, we will also reverse the rejection of claims 37, 38, 42, 43, and 51 for the same reasons as those articulated *supra*.

CONCLUSION

The Examiner erred by determining that the combination of Scroggie in view of Walker teaches "determining at the incentive host server available incentives using at least the first identifier and the NID, wherein the NID is used to identify available incentives in an incentive server database associated with the NID."

ORDER

The decision of the Examiner to reject claims 1-57 is reversed.

Appeal 2009-013496
Application 09/251,480

REVERSED

ELD

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